IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.A.ABDUL GAFOOR
&
THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 3RD JANUARY 2007 / 13TH POUSHA 1928

WP(C).No. 119 of 2007(L)

AGAINST THE ORDER DATED 25 /11 /2006 IN IA.2289/06 IN RCA.109/2005 of VI ADDL.DISTRICT COURT, ERNAKULAM

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PETITIONER:

C.T.GEORGE, AGED 60 YEARS,
S/O. THOMMAN, CHEMBOLIPARAMBU HOUSE,
VADUTHALA.

BY ADV. SRI.A.T.ANILKUMAR

RESPONDENTS:

MOLLY MATHEW, W/O. MATHEW,
KEERAMBILLY HOUSE, VADUTHALA DESOM,
CHERANELLOOR VILLAGE.

BY /

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.A. ABDUL GAFOOR & K.R. UDAYABHANU, JJ

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W.P.(C). NO. 119 OF 2007

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Dated this the 3rd day of January 2007

JUDGMENT

Abdul Gafoor,J

Taking into account the controversy between the parties, as to whether building No. 47/942 mentioned in the affidavit of the petitioner is vacant or not, a Commissioner shall be appointed to report that and other facts mentioned in the Commission application shall be submitted within a week. R.C.A shall be disposed of within another two weeks. These directions are without prejudice to the contentions available to the landlord that subsequent eviction of another tenant will not prejudice his claim for eviction based on bona fide needs as on the date of the petition.

The Writ Petition is disposed of accordingly.

K.A. ABDUL GAFOOR, JUDGE

K.R. UDAYABHANU, JUDGE.

RV